

**CONSERVATION COMMISSION  
REGULAR MEETING  
REGULAR MEETING (via Teleconference)  
Conducted via Zoom; Broadcast Live via Seekonk TV-9  
October 18, 2021**

---

**REGULAR MEETING**

**Present: K. Kearney, N. Socha, A. Petronio, J. Sullivan and Conservation Agent, J. Miller**

**Absent with Cause: R. Emlen**

**7:00 p.m. Agent Miller** opened the meeting of the Seekonk Conservation Commission and introduced the two new temporary members of the Commission. She explained with the absence of a Chairperson/Vice Chairperson, she would facilitate the meeting and prompt the Commission members for motions/votes. Agent Miller reviewed meeting protocols. She stated that the meeting will be broadcast live via TV9.

---

**RDA; property adjacent to 501 Ledge Rd (Map 18/ public roadway layout)**

Proposed abandonment and filling of one (1) monitoring well within jurisdictional wetland resource areas.

**Applicant: Buckeye Pipe Line Company, Inc.**

**Representative: Groundwater & Environmental  
Services, Inc.**

Agent Miller explained this Agenda item is for a project in the roadway for a monitoring well by Buckeye Pipe Line, and they are looking to remove that.

Ed Kontos, Groundwater & Environmental Services represented the applicant. He explained the environmental assessment associated with the monitoring well has concluded. The well is located in Ledge Road within 200' Riverfront and the buffer zone of the associated wetlands. The abandonment work will entail removal of the concrete pad around this monitoring well, physical removal of the PVC casing, and filling in of the void space with Bentonite Gravel to seal the boring, and then it will be repaved. The opening for the road box is about 8", the void space left by the PVC well casing is 2" in diameter. The work is expected to take 2-4 hours to complete. Mr. Kontos explained that the assessment was for a historical release from a former petroleum pipeline that runs through this area. The work was completed in 2019 with the filing of a Closure Report with MassDEP. This monitoring well is still active because of the 5-year moratorium on Ledge Road which ended earlier this year.

**A. Petronio made a motion to approve a Negative 3, that the work described in the request is within the buffer zone as defined in the regulations, but will not alter an area subject to protection under the Wetlands Protection Act. Therefore, said work does not require the filing of a Notice of Intent subject to the conditions:**

**If needed, prior to ground disturbing activities, erosion controls must be installed as indicated on the approved plan and inspected by the Conservation Agent, and shall be left in place until the disturbed soil has been stabilized with grass that has grown to a "mowable" height and density.**

**Seconded by K. Kearney. Motion passed unanimously.**

**Roll Call Vote: 4-0-0 K. Kearney, N. Socha, A. Petronio, J. Sullivan – in favor.**

**There is a 10-day appeal period.**

---

## **COC Requests:**

### **•SE69-0865; 171 Greenwood Avenue**

Agent Miller reported that a site visit has not been made because the Commission is waiting for an As-Built. It was submitted today; Ms. Miller to conduct a site visit before the Commission's next hearing November 15th.

Bruce Hagerman, Crossman Engineering, represented the applicant.

---

## **Public Hearing:**

### **NOI #SE69-0923; Anna Ct, 59 (Map 21/Lot 298)**

Proposed restoration of a jurisdictional wetland resource area.

**Applicant: Jared & Linda Minieri**

**Representative: Ecosystem Solutions Inc.**

*Continued from September 13, 2021.*

*Continued to November 15, 2021.*

Agent Miller explained this Agenda item is a pending proposed restoration that we have been working on for little over a year, since the date of the Enforcement action was first taken. We are at the point we are waiting for a plan revision which needs a detail inset on a retaining wall added to it by the engineer. The applicant's representative has requested a continuance.

K. Kearney commented this Agenda item has been rolling over for a number of months. She stated it is frustrating, and as a horticulturist she is concerned about survivability of plants put in after November. She felt strongly that action of fines would be in order if this filing does not move forward at the next meeting because of plant viability and putting the project off to an inappropriate time. It was noted there have been 7 continuances on this filing. If plants are not put in the ground in November, they will have to wait till spring; and that would be a year and a half from the date of the enforcement action.

**N. Socha made a motion to accept the continuance for NOI #SE69-0923; 59 Anna Court to November 15, 2021 to sometime after 7:00 p.m.; J. Sullivan seconded.**

**Roll Call Vote: 4-0-0 K. Kearney, N. Socha, A. Petronio, J. Sullivan – in favor.**

---

### **NOI #SE69-0936; 100, 108 & 110 Old Fall River Rd (Map 3, Lots 37, 43 & 44)**

proposed construction of a commercial building with associated grading within jurisdictional wetland resource areas.

**Applicant: Mike Albernaz**

**Representative: InSite Engineering**

*Continued from September 13, 2021.*

*Continued to November 15, 2021.*

Agent Miller explained this Agenda item is a continuance item opened two months ago. It has a number of issues, one of them being the delineation type and area. There was some work done historically that should have been filed for permit wise. The representative recently met with the applicant on site to discuss options and should be coming to the Commission at the next meeting with a revised site plan and filing (including anything that was not permitted previously). No testimony was taken.

**J. Sullivan made a motion to accept the continuance for NOI #SE69-0936; 100, 108 & 110 Old Fall River Road to November 15, 2021 sometime after 7:00 p.m.; A. Petronio seconded.**

**Roll Call Vote: 4-0-0 K. Kearney, N. Socha, A. Petronio, J. Sullivan – in favor.**

---

**NOI # SE69-0928; 0 Burnside Avenue (Brigham Farm 3 Definitive Subdivision)  
(Map 35, Lot 20, and Map 36, Lots 2 & 11 as well as Map 38, Portion of Lot 156)**

Proposed construction of roadway, stormwater structures, and utilities associated with proposed 8-lot subdivision within jurisdictional wetland resource areas.

**Applicant: Sagar Services, Inc.**

**Representative: Caputo & Wick, Ltd.**

*Continued from September 13, 2021.*

*Continued to November 15, 2021.*

Agent Miller explained this Agenda item is a continuance and is under peer review at this time.

David Bray, Caputo & Wick and Gary Sagar gave an update of the project. Mr. Bray reported that he did receive the peer review comments and didn't see anything significant; he would have them addressed by the next Conservation meeting.

**K. Kearney made a motion to accept the continuance for NOI # SE69-0928; 0 Burnside Avenue (Brigham Farm 3 Definitive Subdivision) to November 15, 2021 sometime after 7:00 p.m.; A. Petronio seconded.**

**Roll Call Vote: 4-0-0 K. Kearney, N. Socha, A. Petronio, J. Sullivan – in favor.**

---

**NOI # SE69-0940; 214 & 224 Taunton Ave (Map 20/Lots 470 & 596)**

Proposed construction of a 7,420sf automotive dealership and service building & bituminous parking area within jurisdictional wetland resource areas.

**Applicant: Car and Van Max, LLC**

**Representative: J. K. Holmgren Engineering**

Agent Miller read in the filing:

The Conservation Commission, in accordance with Mass. Gen. Law Ch. 131, §40 and the Seekonk Wetland Protection Bylaw, will open a **PUBLIC HEARING** via remote session on **MONDAY, October 18, 2021 after 7:00 p.m.** on a **Notice of Intent** by **Car and Van Max, LLC** for **214 & 224 Taunton Ave (Map 20/Lots 470 & 596)** for proposed construction of a 7,420sf automotive dealership and service building & bituminous parking area within jurisdictional wetland resource areas.

Scott Faria, J. K. Holmgren Engineering represented the applicant. He summarized the project stating it is for a 7,420 sq. ft. repair and auto sales facility with a total of 124 parking spaces. It is the site of the previously proposed Cumberland Farms from a few years ago. There is an extensive landscaping plan proposed, new utilities, a subsurface drainage system, work is proposed outside the 25' buffer zone. The building and the proposed septic system are outside the 100' buffer zone; 25% of the parking lot and the majority of the subsurface drainage system fall within the 100' buffer zone.

Agent Miller asked Mr. Faria if he had received the comments from the TRC meeting from the Town Planner. Since there was no representation from the Applicant present, they should have been forwarded to Mr. Faria. She noted one comment was the need for a peer review.

K. Kearney questioned the location of snow storage on the plan and stated it is a significant issue for the Commission. Mr. Faria stated it will be added to the plan, and anything more than 2" of snow would typically be trucked offsite. Ms. Kearney asked to see the planting plan. Type and size of trees were discussed; it was noted that the Eastern White Pine used for screening isn't the proper type of tree for that. N. Socha suggested a mixture of Western Cedar with *Fistula Picada* Spruce; it grows fast and is stronger than White Pine. Eastern Juniper was suggested for screening as it can take fairly poor soils.

K. Kearney commented that lighting was previously a major concern for neighbors. She asked for grade contours on the plan; Ms. Miller explained that 1' contours are required per the checklist of requirements on the Conservation Webpage (especially for existing conditions). She stated contours are important in order to show the extent of ledge that will have to be removed. It should be addressed before the peer review begins. She noted a second item (structures in the 50') to be addressed as that would have significant project changes. She explained the Seekonk Local By-law has a 50' No Structure, and structures (catch basins) are proposed outside the 25' No Touch, but inside the 50' No Structure. Parking spaces proposed at the 25' were discussed; the number of desired parking spaces was also discussed. It is likely that 8-10 spaces will be lost for snow storage.

Agent Miller noted that a lighting plan was not submitted to Planning Dept.; she asked the engineer to ensure all plans submitted to various departments be the same. She also noted a concern with the proximity of the dumpster to the drainage ponds at the back of the building; it would not be desired to be that close to a drainage structure. J. Sullivan commented how lighting can impact the neighbors.

Agent Miller discussed the need for a split-rail fence at the 25'. Mr. Faria agreed to add the fence to the plan.

**Pam Bochiecho, 7 Richard Banna Way** spoke in opposition and expressed concern for wildlife, light pollution, and effects on birds (including disease), insects, and frogs. She reported that trees and vegetation is also affected by lighting. She stated that auto stations are one of the biggest polluters and many toxic chemicals come from this. She also spoke of the risk to water including specific chemicals i.e., TCE. She further spoke of the risk to buildings from vapor intrusion and many other toxic/poisonous fluids as well as the water supply and fire risk as the proposed building is just under the size to require sprinklers. She expressed that she felt that it was the wrong location for an auto service station. She read her letter in opposition into the record (copy attached).

Agent Miller commented that as a reminder, the Conservation Commission's jurisdiction is limited to the 100' buffer zone; anything on the plan that is outside of the 100' is outside of the Commission's jurisdiction. The way the Wetlands Protection Act is written, the only time our jurisdiction extends beyond that would be "unless and until" it has an impact inside the 100'. Ms. Miller discussed the peer review including standard stormwater and lighting plan reviews. It was noted that Traffic Review is under the Planning Board's jurisdiction.

Agent Miller read an email (copy attached) submitted in opposition from an abutter, **Tom Pavlovich, 4 Haylee Court**, who raised questions about the reliability of the company moving forward with this plan given the status of its other dealership in Brockton, MA; he advised looking at the property from Google Earth to view how they treat the environment at their current location. The back of the property abuts a small river; there appears to be open dumpsters, debris piles and broken down cars and car parts piled up close to the river. This may help inform us as to how these owners may treat more sensitive parts of the property in Seekonk. He further expressed concern for pavement and the drainage system in buffer zones.

Mr. Faria stated there are no issues/wetland violations with the Brockton property; it is in an Industrial area and used as such in accordance with Brockton's regulations and MassDEP's. Agent Miller pointed out a change in Aerial photos to disturbed areas in the riverfront in 2008 that should have required a filing. Agent Miller felt it would be helpful to have a copy of the Order of Conditions issued (and the site plan that was approved) for the Brockton project because it speaks to management of the site for the same property owner. She stated additionally, you can see recent changes in how that property is used. As you start to see more intrusion in this area, it raises valid concerns and speaks to site management. Mr. Faria agreed to provide the Commission with the Orders of Conditions.

**Bob, Chace, 6 Richard Banna Way**, spoke in opposition echoing the concerns raised by **Pam Bochiecho** and **Tom Pavlovich**. Concern was expressed with the significant amount of ledge and the possibility of blasting. Mr. Faria replied that if they run into ledge, there are guidelines they would have to meet by the Building Code and the Local By-law; he assumes it will be addressed at the Building Permit level.

Ms. Miller reported that any blasting would go through Fire. She suggested that since no representative was available for the last TRC meeting, they have someone present the next time they are on the TRC Agenda as the committee is review with all of the Departments: Fire, Police, BOH, Building, Zoning, Conservation, DPW. Mr. Faria stated he will reach out to the Town Planner and get on the next Agenda.

**A. Petronio made a motion to start the dual peer review with the Planning Board (including stormwater and lighting) for NOI # SE69-0940; 214 & 224 Taunton Ave (Map 20/Lots 470 & 596); K. Kearney seconded.**

**Roll Call Vote: 4-0-0 K. Kearney, N. Socha, A. Petronio, J. Sullivan – in favor.**

**A. Petronio made a motion to continue for NOI # SE69-0940; 214 & 224 Taunton Ave (Map 20/Lots 470 & 596) to November 15, 2021 sometime after 7:00 p.m.; N. Socha seconded.**

**Roll Call Vote: 4-0-0 K. Kearney, N. Socha, A. Petronio, J. Sullivan – in favor.**

---

### Public Meeting:

- Discussion of 0 Burnside Ave. (Map 36, Lot 16) on a requested waiver/variance over the Easement which provides access to Mr. Sagar's Lot B abutting Brigham 3 Definitive Subdivision.

D. Bray, Caputo & Wick represented the applicant, Gary Sagar. He showed the revised plan with a 20' wide driveway (roadway width) that would come in through the access easement on the Town Property; and where it approaches the bend at the bvw, it would have an 18" high boulder wall and gravel driveway with a 18" high boulder wall on the opposite side so the ground could be elevated slightly preventing any stormwater from the drainage easement to travel across it and redirects it to the north underneath the gravel driveway and into a swale. This will prevent erosion or transmission of silt/fines. Mr. Bray reported that the boulder wall would be only one foot from the wetland line in order to accommodate a 20' driveway. The driveway would continue to give access to Mr. Sagar's Lot B. Aerial photos were viewed, and the easement was discussed. Mr. Bray reported that there are deeded rights from Town Meeting to Mr. Sagar's parcel.

Agent Miller discussed the two reasons Mr. Sagar's lot could qualify for a variance: 1) for a public benefit/betterment to provide access to an open space area for a future staging area and trail access; and 2) the lot was created prior to Seekonk's regulations. Wetlands in this area were discussed including the possibility of using bog bridges for future trails. D. Bray explained the history of the easement going through the Town's property. Town property open space areas were discussed.

Mr. Sagar reported that the history of this land goes back to the late 1980's when the original developer, Brigham Farms 1, negotiated with the Town and did land swaps (paper streets and land in tax title). They provided the access to Lot 16 & 17 of Town owned land; they also provided Mr. St. Laurent (the previous owner of Mr. Sagar's property) the access easement. Mr. Sagar stated that was intended to be the primary access, but back then wetlands mapping was not done. Mr. Sagar purchased it, Planning Board/developers granted him the easement, and in 2007 he went before Town Meeting with the blessing of the Planning Board and Board of Selectmen, and the access easement was granted to him to access that property (the single lot).

J. Miller discussed there are upland areas on the large Town owned parcel right after the bend in the road where you could potentially put in a staging area with parking; it is not deed restricted for Open Space Conservation purposes.

*Adam Petronio left the meeting at 8:42 and re-entered at 9:08.*

D. Bray discussed contours of the area. Ms. Kearney expressed she would like to see all the wetland flags within 50' range of the road. The variance aspect was discussed. Ms. Miller stated it is reasonable to speak about some buffer zone replacement; it is in the Regulation where that 50' No Structure is reduced, that it would be looked upon favorably to increase the buffer zone offsets elsewhere. Mr. Bray commented that Mr. Sagar only has control of work within the 50' to get access to his property; anything outside of that would need to have negotiation with the Town other than to work within that 50' area. Agent Miller responded that the NOI would be submitted to include the driveway to the single-family house; it would be for multiple lots with different ownership because the Town owns an area. K. Kearney and N. Socha agreed. It would need to be mutually agreed upon where the buffer zone replacement would occur. D. Bray suggested the area of the second bend in the driveway. Mr. Bray to submit an NOI taking these items into consideration.

- Discussion of both Lynn and Morris Streets with Old Colony Habitat for Humanity for a potential single-family on Lynn Street and possibly a single-family on Morris Street as well. Coordination for a site visit was discussed as well as the best way to access the property for the visit. Tim Travers, Old Colony was present. Mark Mariano, Oakhill Engineering represented the applicant. Mr. Mariano explained property for 0 Lynn Street is found at the tail end of Lynn Street. The subdivision was created in 1915 and consists of multiple little lots; the lot has 150 feet of frontage with wetlands to the south. They are asking for a variance (the lot was created before the By-law) to construct a home within 50' of the bvwl with disturbance within the 25' buffer to a reasonable area accepted by Conservation and try to meet standards beyond that. The house would be built by Habitat for Humanity for low income affordable housing. The applicant would like to get a better feeling from the Commission about the viability of approving a variance before spending money on perc tests, etc. This individual lot would be serviced by Town water. The majority of the yard would be focused on the south end not directly in the rear. A split-rail fence would be established at an agreed-upon location; Title 5 standards/setbacks drive the location of the house. Agent Miller discussed the impact agriculture has had on the property in the past. Mr. Mariano reported that the wetlands have been flagged. 0 Morris Street will also be visited at the site visit for 0 Lynn Street.
- Discussion: 520 Woodland Avenue restoration plan.  
Agent Miller reported this foreclosure property was purchased recently and had an outstanding enforcement order on it from 2013. The new property owner, Dan Saffer was present and is looking for direction from the Commission as to what is acceptable in moving forward with a revised restoration plan given the amount of time that has lapsed and work that was already done under the previous restoration plan. The enforcement order was for extensive disposal of various types of debris, i.e., tires, appliances, concrete block; the property owner allowed others to dump on the property. Dumping was visible down a slope, from the buffer zone into a wetland area. Soon after the enforcement order was issued, the property was sold through foreclosure; a title search was not done, and the new owner was unaware of the outstanding enforcement action on the property. They went through the expense of putting together a restoration plan; the plan included hiring a Licensed Site Professional (LSP) to oversee the work under the Massachusetts Contingency Plan. Work moved forward over the years without an LSP, so we do not have any documentation/record from an environmental scientist as to what occurred on the property, i.e., types and amounts of debris hauled off. We do not know how much of deposited debris was

removed before clean fill was brought in (or the quality of that fill). In that restoration plan was an area that was supposed to be planted/landscaped, treated for invasives, and landscaped according to the planting schedule. Agent Miller commented that it is all outlined in the restoration plan; the landscaping seems dense from what the Commission would normally require.

Dan Saffer was present and reported he recently acquired the property. He has receipts from debris hauled off by the previous owner. Mr. Saffer asked for guidance for the next step to move forward to clear the property of issues going back a decade. Ms. Miller suggested moving forward with a revised plan with another consulting firm/LSP (since the previous consulting firm is out of business) and at the Commission's discretion, getting soil borings to figure out how much was cleared (along with bills of lading for fill/debris removed). It is hard to know how much was removed and if anything remained before the fill was brought in. Mr. Saffer stated he has receipts/bills of lading for the amount/ weight of debris and soil that was removed and also amounts of soil that was added to the site.

Commission members N. Socha and K. Kearney discussed types of trees and spacing for the planting plan. They would like to see larger caliper trees (2" caliper Maple, Elm, & Oak) and fewer trees spaced more widely. Mr. Saffer stated that a lot of the planting from the previous planting plan have been done already. Ms. Miller stated Mr. Saffer would need to decide on a consulting firm to come up with a revised plan with an LSP to oversee it. An LSP serves as an intermediary between the property owner and the Commission in developing the restoration plan and then documenting its progression. Once plants are in the ground, they are monitored for a couple of years to make sure they are successful and viable with a 75% success rate over 2 growing seasons. We are also looking at controlling invasives in that area so plants do not get outcompeted. A revised site plan is needed to give direction so when the Agent makes a site visit, it is clear what is proposed and completed. Next steps: move the matter back to "Enforcement" on subsequent meetings. Mr. Saffer to provide the Commission with his receipts/documentation.

- Discuss other topics not reasonably anticipated by the Commission 48 hours before the meeting. No votes to be taken. – 2 BOS members to sit on Conservation Commission. It was discussed that a new member is also possible. R. Emlen informed the Commission that he would likely be absent with cause from the October Conservation Commission meeting.

---

**K. Kearney made a motion to adjourn the meeting, N. Socha seconded.**

**The meeting was adjourned at 9:11 p.m.**

**Roll Call Vote: 4-0-0 K. Kearney, N. Socha, A. Petronio, J. Sullivan – in favor.**

Respectfully submitted,  
Kim A. Lallier  
Conservation Secretary

---

*Formally accepted on 11/15/2021 4 in favor, 0 against, 1 abstention*

**Full Video available to view on TV9 Seekonk Community Access Television**

**Link: <http://tv9seekonk.com/>**